

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

KEVIN BRIGGS,

Petitioner,

v.

STATE OF CALIFORNIA,

Respondent.

No. C 15-1853 NJV (PR)

ORDER OF DISMISSAL

This case was opened when petitioner wrote a letter to the court regarding a habeas petition. Petitioner sought a stay but did not file a petition. In an effort to protect Petitioner's rights, the court opened a new case. Petitioner was informed that he had not filed a petition and was given twenty-eight days to do so. A copy of the court's habeas corpus form was provided along with a return envelope.

Petitioner has not filed a petition and a brief letter with no details is insufficient to warrant a stay.¹ This case is therefore **DISMISSED** without prejudice and a certificate of appealability is **DENIED**. No fee is due. The clerk shall close the file.

IT IS SO ORDERED.

Dated: July 1, 2015.



NANDOR J. VADAS
United States Magistrate Judge

¹ It did not appear that petitioner had exhausted any claims and a fully unexhausted federal habeas petition may not be stayed and must be dismissed. See, e.g., *Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006).